

### **REMARKS**

Claims 1-21 are pending in this application. No amendments to the claims are made by this Response. Reconsideration of the claims in view of the following remarks is respectfully requested.

#### **I. Finality of Office Action**

The Office Action mailed December 22, 2005 is indicated as being a Final Office Action in which the change in grounds of rejection were allegedly necessitated by amendment. However, in the Response filed May 23, 2005, no amendments were made to the original claims and only the addition of new claims 14-21 was included in the Response. The current Office Action has changed the grounds of rejection of the originally filed claims 1-13 without such change in the grounds of rejection being necessitated by amendment. Therefore, the finality of the current Office Action is improper.

In a telephone conversation, Examiner Jean-Gilles agreed that the finality of the Office Action was improper and instructed Applicants' representative to treat the Office Action as a non-final Office Action. Examiner Jean-Gilles agreed to issue an official communication indicating the Office Action to be non-final. However, prior to filing of this Response, the official communication was not received. Therefore, Applicants respectfully request that the finality of the Office Action mailed December 22, 2005 be withdrawn.

#### **II. Allowed Claim**

Applicants thank Examiner Jean-Gilles for the allowance of claim 21. However, for the reasons set forth hereafter, Applicants respectfully submit that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

#### **III. Rejection under 35 U.S.C. § 103(a) of Claims 1, 4, 8-12, and 14-20**

The Office Action rejects claims 1, 4, 8-12, and 14-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable in view of Aronberg et al. (U.S. patent No. 5,933,647) in

view of Discavage et al. (U.S. Patent No. 6,684,259), and further in view of WO 00/29982, PCT/SE99/02058 (hereafter referred to as "PCT Ref"). This rejection is respectfully traversed.

Claim 1, which is representative of the other rejected independent claims 11 and 12 with regard to similarly recited subject matter, reads as follows:

1. A method of distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context, the method including the steps of:  
providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile,  
storing an indication of the at least one user activity on the computer,  
accessing the computer with a current user profile, and  
retrieving and executing each user activity associated with the current user profile in the corresponding operating context.  
(emphasis added)

None of the cited references, either alone or in combination, teach or suggest those features of independent claim 1 emphasized above.

Aronberg is directed to a system and method for distributing software in a computer network. With the system and method of Aronberg, an administrator creates a profile of the software that instructs an agent running on a computer how to install the distributed software. This profile, which is depicted as element 303 in Figure 3 of Aronberg, includes instructions that are added to the profile using a graphical user interface such as that depicted as element 401 in Figure 4 of Aronberg, e.g., create directory, create shortcut, etc. The profile is distributed to agents on workstations specifically identified by the administrator using a scheduler (column 4, lines 50-54). The agents detect the newly scheduled software distribution, determine if distribution of the software to the agent is appropriate based on conditions for distribution, and then pull down the software distribution from the server if distribution is appropriate. Conditions for an agent on the computer to pull down software distributions may be set using the condition builder depicted in Figure 9 of Aronberg and described at column 6, lines 20-38.

Thus, Aronberg is concerned with identifying which computers are to receive software distributions and setting up a profile for instructing the agents how to install the software distribution on the computer. Aronberg has no concern for individual user profiles on a particular computer and thus, makes no distinction between user profiles on a computer. As a result, Aronberg does not teach a computer being accessible with a computer having a plurality of different user profiles, each one associated with a corresponding operating context; a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one activity being defined as a user activity associated with at least one user profile; and retrieving and executing each user activity associated with a current user profile in a corresponding operating context.

In other words, the present invention, as recited in claim 1, executes a user activity of the distribution package that is associated with a current user profile that is being used to access the computer. Aronberg merely provides for an agent of the computer to determine if it meets conditions for downloading the software distribution from a server. Aronberg provides no teaching regarding a current user profile being used to access a computer or executing a user activity of a distribution package that is associated with the current user profile that is being used to access the computer. To the contrary, in Aronberg, if the agent determines that it should download the software to the computer, it does so regardless of any user profile that may or may not have been used to access the computer. In fact, nowhere in Aronberg is there any mention of user profiles of the ability of a computer to have a plurality of user profiles.

The Office Action alleges that Aronberg teaches a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context, at Figure 1, items 101-102, column 2, lines 52-67, and column 3, lines 1-14. Elements 101 and 102 in Figure 1 are a workstation and a server, respectively. These elements do not provide any teaching regarding a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context. Column 2, lines 52-67 merely describes the Aronberg system as being one for distribution of software in which a console is provided for creating distribution control information in a network environment. This network environment includes a console

means, agent means, and server means. However, nowhere in this portion of Aronberg is there any mention of a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context.

Column 3, lines 1-14 merely describes the profile as being a set of instructions for instructing an agent running on a computer as to how to install the distributed software. This section further teaches the use of a "virgin window" to facilitate this installation and a condition builder for identifying which computers are to download the software. Again, nothing in this section, or any other section, of Aronberg mentions a computer that is accessible by a plurality of different user profiles, each one associated with a corresponding operating context. Since Aronberg does not teach this feature, Aronberg cannot teach the other features of claim 1 which make reference to user profiles or current user profiles, as discussed previously.

With regard to the feature of providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, the at least one activity being defined as a user activity associated with at least one user profile, the Office Action alleges that this feature is taught by Aronberg at column 4, lines 7-26 and column 5, lines 1-38 which read as follows:

A complete software distribution and desktop management system for computer networks requires features such as automatic profiling of applications, effortless distribution of software, mass customization of computers on the network, and total support for the operating system such as Windows 95 and Windows NT.

Referring now to FIG. 1 there is shown a system overview schematic 100 of a typical network arrangement in accordance with the present invention. Software distribution and desktop management is performed from the workstation running the console 101 component of the present invention which includes an administrator. The workstation running the console 101 is linked to the file server 102 which in turn is linked to workstations 103 and 104 running the agent components of the present invention. It is noted that in the present invention the profiling occurs on the console 101, the profile is stored on the file server 102, and the profile is distributed to the agents 103 and 104. The profile is a set of instructions to the computers 103 and 104 on how to install any application.

(Column 4, lines 7-26)

A profile or application is made up of individual "actions". The user may edit the action, edit the condition attached to the action, delete the action, or perform a "search and replace" on the action. A key feature of the present invention is the ability to produce "gender neutral profiles" which means that after an application is profiled, the application can be distributed automatically to Windows NT workstation, Windows 95 workstation, and if its a 16 bit application to a Windows 3.1 workstation.

Concerning the grouping the action sets, applications, or profiles, there are the following four types of action sets: folders, application, routines, and install types. Folders hold other actions sets, but contain no actions. Routines contain only actions. Install types contain only actions. An application contains actions and other install types.

Referring now to FIG. 3 there is shown a main window 301 through which the present invention is controlled from the workstation running the console. The various actions sets 302 are selected by clicking on a particular application and choosing an install type. Particular actions available to the user are described in a boxed area 303. The distribution of the jobs and the agents to receive the jobs are noted in boxed areas 304 and 305, respectively.

Referring now to FIG. 4 there is shown a dialog box 401, accessed from the main window in FIG. 3, from which actions by the user are selected. As shown, the application Microsoft Office is selected with a typical install option, and various actions which the user may select by clicking the mouse controlled cursor on the particular action desired. As noted before, actions are instructions that will be executed by the agent based workstation, such as 103 or 104, when the agent determines it meets the conditions set by the administrator from the console and pulls down the application from the file server 102. After the profiler has created the predetermined set of actions, the user can add more actions to customize the download of the application to the agents. The user may add a new action to an action set by selecting one from the list in the dialog box 401.

(Column 5, lines 1-38)

While the above sections of Aronberg mention a "profile" and that a "user" may edit this profile using the window and dialog box shown in Figures 3 and 4, these profiles are not user profiles as recited in claim 1. The "profile" in Aronberg is the distribution package. That is the "profile" in Aronberg is the program that is distributed to workstations so that the software may be installed on the workstations. The "profile" in Aronberg is not a user profile that is associated with a user activity identified by at least one item in a distribution package. Moreover, the "user" in Aronberg is the administrator who is

developing the distribution package for installation of the software on the workstations. The "user" in Aronberg is not a user of the workstation and thus, the "user" in Aronberg has nothing to do with user profiles on a computer that may be associated with user actions identified in items of a distribution package.

Thus, while Aronberg may mention similar terminology as that recited in the claim 1, i.e. a "profile" and a "user", the actual teachings of Aronberg are nothing like the features recited in claim 1. Therefore, despite the allegations made in the Office Action, Aronberg, in actuality, does not teach or even suggest providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, the at least one activity being defined as a user activity associated with at least one user profile, as recited in claim 1.

The Office Action admits that Aronberg "does not teach all the details of the above limitations." However, the Office Action alleges that Discavage and the PCT Ref disclose teachings which render obvious these "details" that Aronberg does not teach. Applicants respectfully disagree.

Discavage is directed to a method for providing a user global object name space in a multi-user operating system. Specifically, Discavage is concerned with making computer programs that are designed for one user to use, available to multiple users in a multi-user environment by providing an object naming methodology (see Abstract and column 3, lines 44-55, for example). The problem that Discavage is addressing is the fact that when an program tries to create an object instance with the same name as a previous object instance, the creation will fail. Thus, Discavage provides a mechanism for naming object instances using a combination of the object name and an identifier for the user of the client device. The alleged "global" object name space is merely the use of the same user identifier for each application that is being used by that user. The term "global" does not mean that the application instances are made useable by a plurality of users as the Office Action seems to imply.

Discavage does not teach or suggest providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile, storing an indication of the at least one user activity on the computer,

accessing the computer with a current user profile, or retrieving and executing each user activity associated with the current user profile in the corresponding operating context. This is because Discavage is not concerned with the distribution of software features based on user profiles but rather the instantiation of application instances for applications designed for a single user, in a multi-user environment.

To the contrary, Discavage merely teaches naming object instances using an identifier of a user of a client device in order to avoid collisions between objects. Discavage specifically teaches that the methodology involves establishing a user "global" context by assigning a label to each instance of an object or application that is to be used by a single user. A single user name space is thereby created by identifying each such instance as being globally available to the specified single user (column 6, lines 44-51). The server may be enabled to impersonate the single user by assuming its identity so that the server may access the single-user name space. A system global context is established by adding a system global identifier to each executable file and dynamically linkable library file (column 6, lines 51-58). This system global context is merely used to provide a means for controlling the accessing of resources so that they may be serialized (column 5, lines 38-64).

Nowhere in Discavage is there any teaching or suggestion to receive a distribution package that includes an item indicative of a user activity associated with at least one user profile for enforcing a corresponding software feature on a computer. Moreover, nowhere in Discavage is there any teaching or suggestion to retrieve and execute each user activity, obtained from the distribution package, associated with a current user profile in a corresponding operating context. Thus, the even if Aronberg and Discavage were combinable, and assuming one of ordinary skill in the art would somehow be motivated to attempt such a combination, the alleged combination of Aronberg and Discavage does not render obvious the features of independent claim 1, or the similar features found in independent claims 11 and 12.

The PCT Ref is cited as allegedly teaching, at page 5, lines 5-30, "a method for identifying a user of a network, such as the Internet, said network including several clients and several remote servers...storing at least one predefined user profile in a memory-area of the client, selecting one of said...profile in accordance with the user that

is currently using the client for accessing the network, communicating the selected user profile to the remote server..." (see Office Action, page 5). The mechanism described in PCT Ref is directed to providing customized documents to users based on user profiles that include, for example, the user's age, gender, etc. In particular, the mechanism of PCT Ref is concerned with directing advertising, such as banner ads, to users of the network based on the user's demographics as determined from a user profile.

The PCT Ref has nothing to do with distributing software features to a computer that is accessible with a plurality of different user profiles each one associated with a corresponding operating context. Moreover, the PCT Ref does not teach or suggest providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile. Furthermore, the PCT Ref does not teach or suggest retrieving and executing each user activity associated with a current user profile in a corresponding operating context. To the contrary, the PCT Ref is only concerned with sending tailored advertising to users of client devices based on their user profiles. Thus, even if the PCT Ref were combinable with Aronberg and Discavage, and assuming one of ordinary skill in the art would somehow be motivated to attempt such a combination, the alleged combination of Aronberg, Discavage and the PCT Ref does not render obvious the features of independent claim 1, or the similar features found in independent claims 11 and 12, since none of the references teach or suggest providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile or retrieving and executing each user activity associated with a current user profile in a corresponding operating context.

Moreover, one of ordinary skill in the art would not be motivated to make the alleged combination of Aronberg, Discavage, and the PCT Ref, despite the allegations made in the Office Action. Aronberg is directed to a system and method for distributing software in a computer network. Discavage is concerned with the naming of objects such that a single user application may be used in a multi-user environment. The PCT Ref is concerned with specifically targeted advertising based on user profiles. These three



references are all concerned with different problems, in different fields of endeavor, and provide completely different solutions for these various problems that are not related to one another. In order to rely on a reference as a basis for rejection, the reference must be either in the Applicant's field of endeavor or, if not, then reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992); *In re Deminski*, 796 F.2d 436, 442, 230 U.S.P.Q. 313, 315 (Fed. Cir. 1986). A prior art reference is analogous, and may be combined with other references to establish a *prima facie* case of obviousness, only if: (1) it falls within the same field of endeavor as the claimed invention; or (2) although from a different field of endeavor, it is reasonably pertinent to the particular problem which the inventor was addressing. *In re Clay*, 966 F.2d 656, 658-69, 23 U.S.P.Q.2d 1058, 1060 (Fed. Cir. 1992). The Discavage and PCT Ref are not in the same field of endeavor as Applicants' claimed invention and are not even reasonably pertinent to the particular problem that Applicants' claimed invention is directed to, or even that of the primary reference, Aronberg.

Furthermore, the alleged combination of teachings from Aronberg, Discavage, and the PCT Ref are not even suggested by the references themselves. That is, there is no problem stated or implied in the Aronberg reference with regard to distribution of software in a computer network for which the naming of objects methodology taught by Discavage is a solution. Moreover, there is no problem stated or implied in either of Aronberg or Discavage for which the targeted advertising mechanism of the PCT Ref is a solution. Thus, one of ordinary skill in the art, despite the allegations made in the Office Action, would not be motivated to make the alleged combination set forth in the Office Action.

In fact, the references are completely unrelated, other than all of them being directed to computer networks, and thus, one of ordinary skill in the art would not find the second references Discavage and the PCT Ref, let alone attempt to combine their teachings with Aronberg, unless that person were to first have knowledge of Applicants' claimed invention and the sole purpose of attempting to recreate Applicants' claimed invention. This is impermissible hindsight reconstruction using Applicants' own disclosure as a guide and is not a valid basis upon which to make an obviousness rejection. The combination of elements from non-analogous sources, in a manner that reconstructs the Applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of

obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992).

The Office Action alleges that the motivation for the combination of references is for the purpose of "assigning a unique identifier to each user on the system and each of the user's applications, and attaching this same identifier to each instance of an object created by the user's applications, for the purpose of creating a distinct user name space that is only accessible by the same single user" as stated by Discavage. However, there is no teaching or suggestion in either of the Aronberg or PCT Ref that it would be desirable to have such ability or that there is some problem in the operation of the Aronberg and PCT Ref systems for which such an ability provides a solution. To the contrary, the Discavage system apparently provides such ability without the need to combine the Discavage system with either of Aronberg or the PCT Ref, therefore why would one of ordinary skill in the art need to combine Discavage with either of these other references? There simply is no reason why one of ordinary skill in the art, having benefit of only the teachings in the Aronberg, Discavage, and PCT Ref documents, and without knowing anything about the presently claimed invention, would find it obvious to combine the teachings of these documents in the particular manner necessary to arrive at the invention as recited in independent claims 1, 11 and 12.

The Office Action further states that Aronberg provides a motivation for the alleged combination by stating a need to provide a network with "the ability to provide a software distribution and desktop management system with full integration into a graphical user based system..." The Office Action further states that the PCT Ref suggests the combination because it states that the mechanism in the PCT Ref "allows a server that provides a client with information over the Internet has access to a user specific profile describing the user that is currently using the client." Providing software distribution and a desktop management system with full integration into a graphical user based system has nothing to do with allowing a server to access user specific profiles describing a user that is currently using a client. Thus, these two statements actually do not provide any motivation

to combine the teachings of Aronberg with the teachings of the PCT Ref, despite the allegations made by the Office Action.

For the many reasons noted above, Applicants respectfully submit that neither Aronberg, Discavage, nor the PCT Ref, either alone or in combination, teach or suggest the features of independent claims 1, 11 and 12. At least by virtue of their dependency on claims 1 and 12, respectively, none of the cited references, either alone or in combination, teach or suggest the features of dependent claims 4, 8-10 and 14-20. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 4, 8-12 and 14-20 under 35 U.S.C. § 103(a).

In addition to the above, claim 4 recites that each software feature includes a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion and a further corresponding item being indicative of the user activity of enforcing the user portion of each associated user profile. Aronberg does not teach a software feature having a global portion and a user portion or items indicative of the global portion and user portion. The Office Action alleges that Aronberg teaches these features at column 6, lines 48-63 and column 7, lines 4-32 which read as follows:

Referring now to FIG. 11 there is shown a schematic 1101 of the "Virgin Windows" process in accordance with the present invention. Since the profiling process takes place at the console based workstation, which administrates the software distribution and desktop management of the agent based workstations, the virgin windows process assures that the console based workstation's windows operating system will not conflict with the profiles set up by the administrator. The administrator has to set up all files with the application on its workstation. In other words, the application is set up on the administration workstation, and the virgin windows process assures there are no conflicts with the workstation's current system and software configuration. After the system downloads the application with the profile to the file sever, the application is removed from the administration workstation.

(Column 6, lines 48-63)

Note that the "safe copied" feature is detailed in FIG. 17 and the discussion thereto. If more files are to be processed 1108 the system starts

back from process stage 1102, otherwise, the computer is rebooted 1109 and the virgin windows process is completed 1110.

Referring now to FIG. 12 there is shown a schematic 1201 of the profiling process in accordance with the present invention. First, the profiling screen is invoked 1202, then the user enters the desired data 1203. The system then requires user action 1204 to either prompt the system to perform the virgin windows process or cancel the operation and close the dialog box 1205. If the virgin windows process is selected a virgin windows is created 1206, the system performs a "pre-scan" 1207, and the user installs the application being profiled 1208. Note that for a "pre-scan" the system reads the entire registry for temporary storage, copies all .ini, .bat and .sys files from the windows directory to a temporary storage location, scans the entire hard disk, then stores the following information for each file: name, size and time.

The system then requires user action to either abort the process or perform further processing. If the user aborts, the regular windows is restored, but the user may not view or modify the newly profiled application, because there is no newly modified application (it was aborted). If further processing is selected, the system performs the post-scan, regular windows is restored, and then the user may modify the newly profiled application.

(Column 7, lines 4-32)

These sections of Aronberg merely reference the "virgin window" mechanism for installing software on a workstation. The "virgin window" mechanism is a way of ensuring that the workstation's .ini, .bat, and .sys files are not corrupted during the installation operation. In this way, the installation may be aborted and the original window restored. Nowhere in the cited sections, or any other section, of Aronberg is there any mention of a global portion and user portion of a software resource or that a distribution package includes an item indicative of the global portion and an item indicative of the user portion. The sections of Aronberg cited by the Office Action are basically irrelevant to the features of claim 4.

In addition to these sections of Aronberg, the Office Action cites column 4, lines 43-59 and column 6, lines 44-58 of Discavage and page 5, lines 5-30 of the PCT Ref as allegedly providing some teaching relevant to these features, although what this teaching is, the Office Action does not state. Column 4, lines 43-59 of Discavage teach intercepting API calls, adding a user identifier to the name before passing the API call on, and that named requests for resources for a given user are identically modified. Column

6, lines 44-58 of Discavage describes the flowchart in Figure 5 which is discussed above. Neither of these sections of Discavage provide any teaching or suggestion regarding software features that include a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion and a further corresponding item being indicative of the user activity of enforcing the user portion of each associated user profile, as recited in claim 4.

Page 5, lines 5-30 of the PCT Ref merely describes the sending of a document, such as a hypertext document in response to a request from a client device based on a user profile having demographic information. Nowhere in the PCT Ref is there any teaching or suggestion regarding software features that include a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion and a further corresponding item being indicative of the user activity of enforcing the user portion of each associated user profile, as recited in claim 4. Thus, in addition to being dependent upon claim 1, claim 4 is distinguishable over Aronberg based on the specific features set forth in claim 4.

With regard to claim 14, none of the cited references, either alone or in combination, teach or suggest that the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer or that the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile. With regard to these features, the Office Action merely points to the same sections of Discavage and the PCT Ref discussed above with regard to claim 4 without any indication as to how the Examiner is interpreting these sections as allegedly teaching the features of claim 14. These sections of Discavage and the PCT Ref in fact have nothing to do with the specific features set forth in claim 14. Nowhere in any of the cited references is there any distribution package described that includes items indicative of a first user activity for enforcing a software feature on a computer for a first user profile and a second item

indicative of a second user activity for enforcing a software feature on the same computer for a second user profile. While the references mention user profiles, they do not teach or suggest these specific features set forth in claim 14.

Regarding claim 15, since none of the cited references teach or suggest the first and second user activities recited in claim 14, none of the cited references can be found to teach or suggest that the first user activity and the second user activity are different. Once again, the Office Action points to the same sections of Discavage and the PCT Ref as allegedly teaching these features. It has been shown above that these portions of the cited references, in fact, have nothing to do with the features of the claimed invention.

Similarly, the Office Action alleges that these same sections of Discavage and the PCT Ref miraculously even teach and suggest the features of claim 16. However, nowhere in Aronberg, Discavage, or the PCT Ref is there any teaching or suggestion that a first user activity is to enable a first software product on the computer for the first user profile, a second user activity is to enable a second software product on the computer for the second user profile, and the first software product is not enabled on the computer for the second user profile. Nowhere in any of the references is there any teaching or suggestion regarding a distribution package that enables a software product for one user and not another, as recited in claim 16.

These same distinctions in claims 14-16 apply to respective ones of claims 17-20 that recite similar features but are dependent from different independent claims. Thus, in addition to being dependent upon their respective independent claims, dependent claims 4 and 14-20 are also allowable over the alleged combination of references by virtue of the specific features recited in these claims.

#### **IV. Rejection under 35 U.S.C. § 103(a) of Claims 2, 3, 5-7 and 13**

The Office Action rejects claims 2, 3, 5-7 and 13 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Aronberg, Discavage, and further in view of Broster et al. (U.S. Patent No. 6,424,968). This rejection is respectfully traversed.

This rejection is respectfully traversed for at least the same reasons as set forth above with regard to independent claim 1. That is, Broster does not provide for the deficiencies noted above in Aronberg, Discavage, and the PCT Ref, and thus, any

combination of these references, assuming such a combination were possible and one were motivated to attempt such a combination, still would not result in the features of claim 1 being taught or suggested or similar features found in claim 13 being taught or suggested.

Broster is directed to an information management system for retrieving data from a database using one or more data retrieval tools which retrieve data based on the registered interests of the users of the system. User interests may be stored in the database as user profiles comprising one or more keywords. A user interface is provided through which the user may enter user and project profile information which is used by a data input tool to generate one or more data sets for storage as profiles in the database. The user interests are topical interests that may be used to search documents for example, using a search engine 110, such as shown in Figures 1 and 2 of Broster. The user interests in Broster have nothing to do with user profiles used to distribute and install software on computers.

Broster, like Aronberg, Discavage, and the PCT Ref, does not teach or even suggest a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one activity being defined as a user activity associated with at least one user profile. Moreover, Broster does not teach or suggest retrieving and executing each user activity associated with a current user profile in a corresponding operating context, as recited in claim 1 from which claims 2, 3 and 5-7 depend. Broster is only concerned with developing profiles of keywords that a search engine may use to search for documents having topics of interest for a particular user. Broster has nothing to do with the distribution or installation of software features on computers.

The Office Action uses Broster as a reference for allegedly teaching "an information management computer system with a user profile with search capabilities that work over a long period of time to report after a fixed time interval or at the next logon by that user" (Office Action, page 6). Because of this, the Office Action alleges that it would have been obvious to modify the alleged combination of Aronberg and Discavage to include a user agent that is run during a logon of to the computer with a current profile. As with the Aronberg, Discavage, and PCT Ref, the Broster reference is concerned with a

different problem from the that of the other references and provides a completely different solution for this problem than is provided in any of the other references. Thus, the references are not analogous art, despite the allegations made in the Office Action. Aronberg is concerned with the distribution of software for installation on workstations. Discavage is concerned with the naming of objects in programs designed for a single user so that they may be used in a multi-user environment. Broster is concerned with searching for documents of interest to a user based on the user's profile as stored in a database. There is no reason why one of ordinary skill in the art would want to combine these systems and it is not at all clear how such a combination would be made. How would a document searching system be integrated into a software distribution system of object naming system? Moreover, why would one want to even combine such systems? What problem is solved by combining a document searching system with a software distribution system or object naming system? There simply is no motivation for one of ordinary skill in the art to even attempt the combination alleged by the Office Action, let alone any possibility of success in such a combination.

However, even if such a combination were possible, and one of ordinary skill in the art were motivated to attempt such a combination, the result still would not be the invention as recited in claim 1. To the contrary, the combination of teachings from Aronberg, Discavage, PCT Ref, and Broster would be some concoction of a software distribution system that uses an installation program, called a "profile," that is sent to the workstations for use by agents in the workstations in determining whether the workstation as a whole should download the software and install it using the install instructions set forth in the profile, with an object naming system, a targeted advertising system, and a document searching system that searches for documents having keywords matching the keywords in a user's profile. This combination does not provide any teaching or suggestion regarding providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile or retrieving and executing each user activity associated with the current user profile in the corresponding operating context. Again, while the references mention the terms "profile" and "user",



the actual teachings of these references do not anticipate or obviate the features set forth in claim 1, from which claims 2, 3 and 5-7 depend.

In addition to the above, the alleged combination of Aronberg, Discavage, and Broster does not teach or suggest the specific features of claims 2, 3 and 5-7. For example, claim 2 recites that at least one activity is defined as a global activity associated with all the user profiles, and that the method further including the steps of running a global agent outside the context associated with the current user profile, executing each global activity under the control of the global agent, running a user agent during a logon to the computer with the current user profile, each user activity being retrieved and executed under the control of the user agent. Neither Aronberg, Discavage, nor Broster, either alone or in combination, teach or suggest a global agent and a user agent or that a global agent runs outside the context associated with a user profile and executes each global activity while the user agent runs during a logon to execute each user action. The Office Action alleges that simply because Broster teaches a user profile with search capabilities that may report at a next logon, that somehow the global and user agent features of the invention recited in claim 2 are taught by the reference. Nowhere in Broster is there any teaching of a software distribution package being run by a global agent and a user agent on a computer or that the global agent runs outside the context of operation of the user agent.

While Broster teaches that the searching may be done and reported to the user at the user's next logon, this provides no teaching or suggestion regarding the distribution of software features using a global agent and a user agent, as recited in claim 2. Moreover, Aronberg provides no teaching or suggestion regarding global and user agents. This is because Aronberg is only concerned with determining which workstations should download the software from the server and has no concern regarding individual user contexts within each workstation. Discavage is concerned with the naming of objects so as to avoid object name collisions in a multi-user environment. Discavage is not concerned with the distribution of software features using a distribution package. Thus, any alleged combination of Aronberg, Discavage, and Broster still would not result in the invention as recited in claim 2 being taught or suggested.

Moreover, despite the allegations made in the Office Action, there is in fact no motivation to make the combination of references alleged. The Office Action alleges that the motivation for the combination is to "provide a transparent interface to a plurality of tools, the user being able to use the system without having to select and operate the different tools" as stated in Broster. Broster apparently teaches such a mechanism without the need of the teachings from Aronberg and Discavage. The alleged motivation is merely a statement as to the reason why Broster's mechanism is necessary to the particular problem addressed by Broster. It has nothing to do with any problems or needed mechanisms is either of Aronberg or Discavage.

The Office Action further alleges that because Aronberg states a need for "the ability to provide a software distribution and desktop management system with full integration into a graphical user based system..." that somehow this provides a motivation for the alleged combination. This is actually a statement as to why the mechanism of Aronberg is needed for the problem addressed by Aronberg. It provides no teaching or suggestion regarding the combination alleged by the Office Action. The alleged motivations offered by the Office Action are not motivations to make the alleged combination but merely recitation of statements in the references as to the problems in the prior art in the particular disparate fields of endeavor of the references. There is no suggestion to make the combination of teachings alleged by the Office Action.

Regarding claim 3, neither Aronberg, Discavage, nor Broster, either alone or in combination, teach or suggest the feature of the global agent running on the computer in a logoff condition. Basically, the Office Action asserts the same position as set forth above with regard to claim 2. Thus, the arguments set forth above with regard to claim 2 are considered to also apply to the features of claim 3. While Broster teaches that the searching can be done over a long period of time and can be reported to the user at the user's next logon, this has nothing to do with a global agent used to install distributed software features.

With regard to claim 5, none of the references, either alone or in combination, teach or suggest that each item includes a flag defining the corresponding activity as a global activity or a generic user activity, the method further including, for each user activity, the steps of storing an indication of a completion of the generic user activity for

each user profile and verifying whether the generic user activity has been completed in the context associated with the current user profile, the generic user activity being executed in the context associated with the current user profile only if the result of the verification is negative. The Office Action alleges that these features are taught by Broster at column 3, lines 25-34 and Aronberg at column 7, lines 9-67. In the cited section of Broster, all that is taught is that a project owner, i.e. user, can “flag” a project as having been completed. While Broster mentions a “flag” for completion of a project, this has nothing to do with flagging a generic user activity of user activities identified by items in a distribution package as having been completed. This is because Broster is not concerned with the distribution of software features or a distribution package having items identifying global activities and generic user activities.

The cited section of Aronberg merely teaches the “virgin window” mechanism previously discussed above and the “post scan process”. The “post scan process” of Aronberg involves canning the registry and all files to determine if the registry entry or files exist in the listings created in the pre-scan process. If not, or if the entry/file has been modified, it is saved to the profile. The cited section of Aronberg has nothing to do with global activities, generic user activities, identifying generic user activities as being completed, verifying whether generic user activities have been completed in the context associated with the current user profile, etc. Basically, the cited section of Aronberg is irrelevant to the features recited in claim 5 and provides not teaching or suggestion regarding any feature in this claim. Thus, since neither Aronberg nor Broster have anything to do with the features of claim 5, any alleged combination of these references with Discavage still would not result in the features of claim 5 being taught or suggested.

Regarding claim 6, none of the references, either alone or in combination, teach or suggest storing a global memory structure indicating a status of the global portion of each software feature, storing a user memory structure for each user profile indicating a status of the user portion of each software feature in the corresponding context, or verifying whether each generic user activity associated with the current user profile has been completed according to a comparison between the global memory structure and the corresponding user memory structure. With regard to claim 7, none of the cited references, either alone or in combination, teach or suggest storing an indication of each

user profile allowed to have each software feature enforced, or verifying whether the current user profile is allowed to have the software feature corresponding to each generic user activity enforced, each generic user activity being executed only if the result of the verification is positive. The rejections of these claims are based on the same misunderstanding of the teachings of the references as discussed above with regard to claims 1-3 and 5. Nowhere in any of the cited references is there any teaching or suggest regarding global and user portions of software features or generic user activities, let alone the specific features recited in claims 6 and 7.

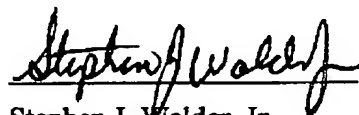
In view of the above, Applicants respectfully submit that neither Aronberg, Discavage, nor Broster, either alone or in combination, teach or suggest the features of claims 2, 3, 5-7 and 13. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 3, 5-7 and 13 under 35 U.S.C. 103(a).

**V. Conclusion**

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: March 15, 2006



Stephen J. Walder, Jr.  
Reg. No. 41,534  
**Walder Intellectual Property Law, P.C.**  
P.O. Box 832745  
Richardson, TX 75083  
(214) 722-6419  
ATTORNEY FOR APPLICANTS